

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

Claims 37-39, 51-54, 62 and 67-68 are pending in this application.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 37 has been amended to overcome this rejection by replacing "said disease control parameter values" with "said optimal blood glucose values", as was previously intended.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

The rejection of claims 37-39, 51-54, 62 and 67-68 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,642,731 to Kehr in view of U.S. Patent No. 6,102,855 to Kehr et al. is respectfully traversed and should be withdrawn. U.S. Patent 6,102,855 is not prior art. The present application is a continuation of U.S. Patent Application Serial No. 09/399,122, filed September 20, 1999, now U.S. Patent No. 6,233,539 which is a continuation of co-pending U.S. Patent Application Serial No. 08/781,278 filed January 10, 1997, now U.S. Patent No. 5,956,501. All of the claims of the present application enjoy the benefit of the January 10, 1997 filing date of parent U.S. Patent 5,956,501.

U.S. Patent 6,102,855, on the other hand, was filed October 22, 1997. The rejection is thus overcome.

Since the 6,102,855 patent has been eliminated as a reference, U.S. Patent No. 5,642,731 (the Kehr patent) does not alone teach or suggest a memory comprising one or more optimal blood glucose values, self-care values of a patient, optimal self-care values, and one or more scaling factors for weighting the impact on a future blood glucose value and that are customized to an individual patient to predict the effect on the blood glucose of self-care actions performed by the individual patient, nor a microprocessor, in communication with said electronic data recording device and said memory, programmed to calculate a further value, said further value being based on said self-care values, said optimal blood glucose values, and said scaling factors, nor a display configured to display information according to said further value, thereby enabling the patient to select appropriate self care actions.

The Examiner has in fact cited no specific text in the Kehr patent to meet Applicant's microprocessor that is programmed to calculate a further value which is based on (i) self-care values, (ii) optimal blood glucose values, and (iii) scaling factors. In order to demonstrate that there is disclosure within Kehr that meets this element, the Examiner must cite specific disclosures of Kehr including pointing particularly to where each

of the self-care values, the optimal blood glucose values and the scaling factors are recited within Kehr, and also where Kehr discloses to perform a calculation of a further value base on these values. As such disclosure does not appear to exist within Kehr, the Examiner is respectfully requested to withdraw this rejection and allow the application for this additional reason.

In addition, the Examiner has cited an irregularly large portion of text, i.e., 15 columns of the Kehr patent, to meet Applicant's display configured to display information according to the further value, thereby enabling the patient to select appropriate self care actions. In order to demonstrate that there is disclosure within Kehr that meets this element, the Examiner must cite specific disclosures of Kehr including pointing particularly to where a display configured to display information according to the further value, thereby enabling the patient to select appropriate self care actions, the further value having been calculated based on a (i) self-care values, (ii) optimal blood glucose values, and (iii) scaling factors. As such disclosure does not appear to exist within Kehr, the Examiner is respectfully requested to withdraw this rejection and allow the application for this additional reason.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,
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